

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FLAVIA BENITEZ,
Plaintiff

VS.

SODEXHO MARRIOTT
SERVICES,
Defendant

2004 SEP -8 P 3-2
U.S. DISTRICT COURT
DISTRICT OF MASS

CIVIL ACTION NO.

04-11959 NG
Referred to MJ T6 Dein

COMPLAINT AND JURY REQUEST

JURISDICTION

1. This action is authorized and instituted under Title IV of the Americans With Disabilities Act, 42 U.S.C. §12117. Jurisdiction is founded upon 28 U.S.C. §§1331 and 1337.
2. The unlawful discrimination and employment practices alleged below were and are now being committed within the Commonwealth of Massachusetts.

PARTIES

3. Plaintiff Flavia Benitez ("Benitez") is a female citizen of Massachusetts and resides in Charlestown, Massachusetts. She was at times relevant to this complaint employed by the defendant, Sodexho Marriott Services, ("Sodexho") as a cashier at 100 Federal Street, Boston.
4. Defendant Sodexo is a foreign corporation doing business in Massachusetts. At all relevant times, it was plaintiff's employer.

STATEMENT OF FACTS

5. Benitez was hired by Sodexho's predecessor and performed her duties competently for approximately two and a half years.

6. In December 1999, Benitez, who suffered from a back injury which interfered with one or more of her major life activities, requested time off for back surgery scheduled for January 27, 1999. With such an accommodation, Benitez was fully able to perform her job functions competently.

7. When Benitez was absent from work for said surgery, Sodexho terminated her and canceled her health insurance retroactively to deny coverage for the surgery.

8. Sodexho's conduct, as described above, discriminated against Benitez because of a disability. As a direct consequence of said discrimination, Benitez suffered a loss of income, loss of benefits including, but not limited to health insurance, and great emotional distress.

9. On or about February 28, 2000, Benitez timely filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC").

10. On or about June 16, 2004, the EEOC granted Benitez a right to sue.

11. Sodexho has unlawfully discriminated against Plaintiff based on her disabilities, in violation of § 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C., §12117.

12. Sodexho engaged in the discriminatory practices alleged herein with malice or with reckless indifference to Benitez's federally protected rights, and it is liable for punitive

WHEREFORE, Benitez respectfully prays for:

- A. Judgment against Sodexho;
- B. Back pay and interest thereon;
- C. Compensatory damages in an amount no less than \$100,000;
- D. Punitive damages in an amount no less than \$100,000;
- E. Reasonable attorney's fees;
- F. The costs of bringing this action;
- G. Prejudgment interest; and
- H. Such further relief as is just and equitable.

PLAINTIFF REQUESTS A TRIAL BY JURY.

Respectfully submitted,

FLAVIA BENITEZ
Pro Se

Dated: September 8, 2004

Flavia Benitez
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